

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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CHANNING HINES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 22-cv-1286-MSN-tmp
TENNESSEE DEPT. OF CORRECTIONS.	)	
	)	
Defendant.	)	

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**ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER  
*IN FORMA PAUPERIS* AFFIDAVIT OR PAY THE \$402 CIVIL FILING FEE**

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On December 27, 2022, Plaintiff Channing Hines, who was at the time incarcerated at the Madison County Criminal Justice Complex, in Jackson, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 3.) At the time Plaintiff filed his complaint, he included a letter stating he “may be released soon so please send correspondence to 2926 Steam Mill Ferry Road, Jackson, TN. 38301.” (ECF No. 2.)

On March 21, 2023, an order mailed to Plaintiff at the Madison County Criminal Justice Complex directing him to comply with 28 U.S.C. § 1915(a)(2) or pay the \$402 civil filing fee was returned as undeliverable. (ECF No. 8.)

Under the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b), a prisoner bringing a civil action must pay the filing fee of \$350 required by 28 U.S.C. § 1914(a). Although the obligation to pay the fee accrues at the moment the case is filed, *see McGore v. Wriggleworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d. 944, 951 (6<sup>th</sup> Cir. 2013), the statute merely provides the prisoner the opportunity to make a “down payment” of a partial filing fee and pay the remainder in

installments. § 1915(b)(2). However, in this case, the filing fee was not paid prior to the Plaintiff's release. Under these circumstances, the Sixth Circuit has held that "the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6<sup>th</sup> Cir. 1997).

Plaintiff is ORDERED to submit, within thirty (30) days after the date of this order, either a non-prisoner *in forma pauperis* affidavit or the entire \$402 civil filing fee. The Clerk is directed to mail Plaintiff a copy of the non-prisoner *in forma pauperis* affidavit along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED this 23d day of March, 2023.

/s/ *Samuel H. Mays, Jr.*

SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE